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Attorneys for Defendant
CHASE BANK USA, N.A., sued herein erroneously as
JP MORGAN CHASE & CO.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

LESLIE JENSON, Plaintiff, v. JP MORGAN CHASE & CO.; and DOES 1 through 10, inclusive, Defendants.	CASE NO. 08 CV 0334 JLS WMc **DEFENDANT CHASE BANK USA, N.A.'S ANSWER TO PLAINTIFF'S COMPLAINT**

Defendant, CHASE BANK USA, N.A. (hereinafter referred to as "Defendant" or "Chase"), sued herein erroneously as JP MORGAN CHASE & CO., for itself and no other parties in this action, answers Plaintiff's Complaint ("Complaint").

GENERAL ALLEGATIONS

1. Answering paragraph No. 1, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and on that basis, denies each and every allegation contained therein.

2. Answering paragraph No. 2, Defendant admits that Chase Bank USA, N.A., the proper party in this action and sued herein erroneously as JP Morgan Chase & Co, is a national banking association chartered under the laws of the United States of America with its main office at 200 White Clay Center Drive, Newark, Delaware.

3. Answering paragraph No. 3, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and on that basis, denies each and every allegation contained therein.

4. Answering paragraph No. 4, Defendant admits.

5. Answering paragraph No. 5, Defendant admits that at times it seeks to collect the unpaid delinquent balances on credit card accounts it issues. As to the remaining allegations contained therein, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and on that basis, denies each and every other allegation contained therein.

6. Answering paragraph No. 6, Defendant admits that at times it seeks to collect the unpaid delinquent balances on credit card accounts it issues. As to the remaining allegations contained therein, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and on that basis, denies each and every other allegation contained therein.

7. Answering paragraph No. 7, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and on that basis, denies each and every allegation contained therein.

STATEMENT OF THE CASE

8. Answering paragraph No. 8, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and on that basis, denies each and every allegation contained therein.

9. Answering paragraph No. 9, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and on that basis, denies each and every allegation contained therein.

10. Answering paragraph No. 10, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and on that basis, denies each and every allegation contained therein.

11. Answering paragraph No. 11, Defendant is without knowledge or information

sufficient to form a belief as to the truth of the allegations contained therein, and on that basis, denies each and every allegation contained therein.

12. Answering paragraph No. 12, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and on that basis, denies each and every allegation contained therein.

13. Answering paragraph No. 13, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and on that basis, denies each and every allegation contained therein.

14. Answering paragraph No. 14, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and on that basis, denies each and every allegation contained therein.

15. Answering paragraph No. 15, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and on that basis, denies each and every allegation contained therein.

FIRST CAUSE OF ACTION

(Violation of Fair Credit Reporting Act)

16. Answering paragraph No. 16, Defendant refers to its answers in Paragraphs 1 through 15 above and incorporates those responses by reference herein.

17. Answering paragraph No. 17, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and on that basis, denies each and every allegation contained therein.

18. Answering paragraph No. 18, Defendant admits that there are situations when it, as a furnisher of credit information, has a duty under the Fair Credit Reporting Act to investigate disputes on credit card accounts it has issued. As to the remaining allegations contained herein, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and on that basis, denies each and every other allegation contained therein.

19. Answering paragraph No. 19, Defendant denies each and every allegation contained

therein.

20. Answering paragraph No. 20, Defendant denies each and every allegation contained therein.

21. Answering paragraph No. 21, Defendant denies each and every allegation contained therein.

SECOND CAUSE OF ACTION

(Violation of Fair Debt Collection Practices Act)

22. Answering paragraph No. 22, Defendant refers to its answers in Paragraphs 1 through 21 above and incorporates those responses by reference herein.

23. Answering paragraph No. 23, Defendant denies each and every allegation contained therein.

24. Answering paragraph No. 24, Defendant denies each and every allegation contained therein.

25. Answering paragraph No. 25, Defendant denies each and every allegation contained therein.

26. Answering paragraph No. 26, Defendant denies each and every allegation contained therein.

27. Answering paragraph No. 27, Defendant denies each and every allegation contained therein.

28. Answering paragraph No. 28, Defendant denies each and every allegation contained therein.

29. Answering paragraph No. 29, Defendant denies each and every allegation contained therein.

30. Answering paragraph No. 30, Defendant denies each and every allegation contained therein.

31. Answering paragraph No. 31, Defendant denies each and every allegation contained therein.

32. Answering paragraph No. 32, Defendant denies each and every allegation contained

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therein.

33. Answering paragraph No. 33, Defendant denies each and every allegation contained therein.

THIRD CAUSE OF ACTION

(Violation of Rosenthal Fair Debt Collection Practices Act)

34. Answering paragraph No. 34, Defendant refers to its answers in Paragraphs 1 through 33 above and incorporates those responses by reference herein.

35. Answering paragraph No. 35, Defendant denies each and every allegation contained therein.

36. Answering paragraph No. 36, Defendant denies each and every allegation contained therein.

37. Answering paragraph No. 37, Defendant denies each and every allegation contained therein.

38. Answering paragraph No. 38, Defendant denies each and every allegation contained therein.

39. Answering paragraph No. 39, Defendant denies each and every allegation contained therein.

40. Answering paragraph No. 40, Defendant denies each and every allegation contained therein.

FOURTH CAUSE OF ACTION

(Negligence)

41. Answering paragraph No. 41, Defendant refers to its answers in Paragraphs 1 through 40 above and incorporates those responses by reference herein.

42. Answering paragraph No. 42, Defendant admits that it has certain duties in relation to attempting to collect unpaid delinquent balances on credit card accounts it issues. As to the remaining allegations contained therein, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and on that basis, denies each and every other allegation contained therein.

43. Answering paragraph No. 43, Defendant denies each and every allegation contained therein.

44. Answering paragraph No. 44, Defendant denies each and every allegation contained therein.

FIFTH CAUSE OF ACTION

(Declaratory Relief)

45. Answering paragraph No. 45, Defendant refers to its answers in Paragraphs 1 through 44 above and incorporates those responses by reference herein.

46. Answering paragraph No. 46, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and on that basis, denies each and every allegation contained therein.

47. Answering paragraph No. 47, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and on that basis, denies each and every allegation contained therein.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiff's Complaint fails to state facts upon which a claim for relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Chase fully complied with its duties under 15 U.S.C. §§ 1681s-2(b), 1692 et seq. and California Civil Code Section 1788 et seq.

THIRD AFFIRMATIVE DEFENSE

Chase fully complied with the provisions of all statutes alleged in the complaint.

FOURTH AFFIRMATIVE DEFENSE

The Complaint is barred by the applicable state and federal statutes of limitations.

FIFTH AFFIRMATIVE DEFENSE

Chase's conduct was privileged.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff's Complaint is barred by waiver.

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SEVENTH AFFIRMATIVE DEFENSE

Plaintiff's Complaint is barred by estoppel.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff's Complaint is barred by ratification.

NINTH AFFIRMATIVE DEFENSE

Plaintiff's Complaint is barred by the doctrine of unclean hands.

TENTH AFFIRMATIVE DEFENSE

At all times and places mentioned in the Complaint herein, Plaintiff failed to mitigate the amount of her damages. The damages claimed by Plaintiff could have been mitigated by due diligence on her part or by one acting under similar circumstances. Plaintiff's failure to mitigate is a bar to her recovery under the Complaint.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred in whole or in part by the contributory and comparative negligence and fault of Plaintiff.

TWELFTH AFFIRMATIVE DEFENSE

The matters of which the Complaint complains are the acts and responsibilities of parties other than Chase.

THIRTEENTH AFFIRMATIVE DEFENSE

Plaintiff failed to comply with the provisions in 15 U.S.C. section 1681s-2 et seq.

FOURTEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are subject to mandatory arbitration pursuant to the terms of its agreement with Chase.

FIFTEENTH AFFIRMATIVE DEFENSE

Plaintiff has materially breached the credit card contract with Defendant and her claims are barred by her failure to abide by the terms and conditions of those contracts.

SIXTEENTH AFFIRMATIVE DEFENSE

Plaintiff failed to comply with 15 U.S.C. § 1666 and all related statutes.

SEVENTEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims of credit reporting are completely preempted by federal law.

WHEREFORE, CHASE BANK USA, N.A. prays as follows:

1. That Plaintiff take nothing by her complaint;
2. That the Complaint be dismissed with prejudice;
3 That CHASE recover its costs and attorney's fees as provided by contract;
4. For any other and further relief the Court deems proper.

Dated: February 25, 2008

ROPERS, MAJESKI, KOHN & BENTLEY

By: s/George G. Weickhardt
GEORGE G. WEICKHARDT
PAMELA J. ZANGER
Attorneys for Defendant
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